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Subject:	Council Conclusions on Stepping Up Cross-Border Police Cooperation in the Area of Missing Persons – <i>Council Conclusions</i> (9 December 2021)

Delegations will find in the annex the Council Conclusions on Stepping Up Cross-Border Police Cooperation in the Area of Missing Persons, approved by the Council (Justice and Home Affairs) at its 3837th meeting held on 9 December 2021.

Council Conclusions on Stepping Up Cross-Border Police Cooperation in the Area of Missing Persons

THE COUNCIL OF THE EUROPEAN UNION,

1. RECOGNISING that one of the key objectives of the European Union is to ensure a high level of security for its citizens in the area of freedom, security and justice by promoting the strengthening of police cooperation as set out in **Title V of the Treaty on the Functioning of the European Union**.
2. CONSIDERING the renewed Internal Security Strategy (2015-2020)¹ and its achievements, and WELCOMING the Commission Communication on an **EU Security Union Strategy**², which sets out specific actions to fully address strategic priorities in the digital and physical world, as well as internal and external dimensions for the period 2021-2025.
3. STRESSING that the **Council Conclusions on Internal Security and the European Police Partnership**³ aim to strengthen the functioning of the area of freedom, security and justice and to establish an effective European partnership for internal security. There is a need to continuously improve information governance and optimize the use of existing instruments and agreements for the exchange of information and to achieve certain milestones for an effective European partnership for internal security (2020-2025) by:
 - consistent application of instruments for alerts at EU level for criminal offenses, e.g. Schengen Information System for alerts on persons or objects, as a standard practice,
 - making sure that the existing frameworks for the exchange of information (such as the Prüm framework⁴) are also updated so that the EU information architecture is even more in line with the principle of availability.

¹ 15670/14

² 10010/20

³ 13083/20

⁴ Council Decision 2008/615/JHA and Council Decision 2008/616/JHA

4. RECALLING the discussions of the Working Party on Schengen Matters (SIS/SIRENE), where important discussions took place on the ways of Member States informing each other about the missing persons⁵.
5. REITERATING that, during 2022, an updated legal basis for the operation of the Schengen Information System (**SIS Recast**)⁶ will be in place, reinforcing existing rules, enhancing the system, providing for additional alert data and introducing several new types of alerts. The updated rules allow, inter alia, the entry of preventive alerts on children at risk of being abducted by their parents, and on children or vulnerable people who need to be prevented from traveling for their own protection.
6. EMPHASISING the need to upgrade existing systems for the exchange of information and data in the field of internal security and, with the announcement of the European Commission **to update⁷ the Prüm legal framework⁸**, to examine whether it can be used to more effectively exchange information on missing persons and unidentified bodies.
7. ENCOURAGING use all available means and resources to the possible extent to establish the identity of unidentified bodies, regardless of the cause and manner of death. Everyone has the right to a name, which guarantees their identity, protection of their personhood and dignity. No one should be buried without a name.
8. STRESSING the importance of joint police patrols, units and offices, joint operations centres and joint investigations, as they effectively contribute to maintaining public order and preventing and combating crime, as well as ensuring public safety, as already provided by the Prüm legal framework, which will be updated in the operational cooperation part. Cross-border police cooperation at the operational level in the form of joint actions is recognized as a very effective method for searching for missing persons, particularly vulnerable persons.

⁵ 9017/16

⁶ Regulations (EU) 2018/1860, 2018/1861 and 2018/1862

⁷ Combined Evaluation Roadmap/Inception Impact Assessment, ref. Ares(2020)4214748 - 11/08/2020

⁸ Council Decision 2008/615/JHA and Council Decision 2008/616/JHA

9. UNDERLINING the Commission Communication on an **EU Strategy on the Rights of the Child**⁹ in which missing children are treated as particularly vulnerable and which recalls the importance of the European hotline for missing children 116 000.
10. HIGHLIGHTING the Commission Communication on an EU Strategy on Combatting Trafficking in Human Beings¹⁰, which provides that special attention should be paid to child victims and children at risk of trafficking, with systematic reporting and alerts on missing children for an early identification, referral procedures tailored to child victims, speedy appointment of guardians and effective free legal aid.
11. TAKING NOTE of the definition of a missing person in accordance with the recommendations of the Council of Europe's Committee of Ministers¹¹ and national regulations as a framework for the definition of missing persons.
12. RECOGNISING the important role played by **European Union Agency for Law Enforcement Cooperation (Europol)** as the hub for information-sharing between the law enforcement authorities of the Member States, and its role in supporting and coordinating cooperation on cross-border police work.
13. ACKNOWLEDGING the role of **European Union Agency for Law Enforcement Training (CEPOL)** in development, implementation, coordination and support of training for law enforcement officials in the Union.

⁹ 7453/21

¹⁰ COM(2021) 171 final

¹¹ Council of Europe, Recommendation CM/Rec (2009)12, adopted by the Committee of Ministers on 9 December 2009: Council of Europe says that a missing person is a natural person whose existence has become uncertain, because he or she has disappeared without trace and there are no signs that he or she is alive.

14. HIGHLIGHTING the work of **The International Criminal Police Organization (INTERPOL)** as a global platform for the exchange of information and a platform for police cooperation with third countries, as well as RECOGNISING its important role, its tools and services regarding the enhancement of investigations concerning missing persons with a global dimension.
15. RECOGNISING the work of **Single Points of Contact (SPOCs)** as a »one stop shop« for international law enforcement cooperation which comprises the most comprehensive national competence and is able to handle the full range of possible requests related to cross-border law enforcement cooperation including the missing persons cases, and NOTING the work of **Police and Custom Cooperation Centres (PCCCs)** as an important institution with various functions and tasks in the area of internal security and law enforcement and constituting a valuable local tool of prompt direct cross-border cooperation in cases of missing persons.
16. TAKING INTO ACCOUNT the discussions in the Council's **Law Enforcement Working Party and the findings by its Police Expert Network on Missing Persons (PEN-MP)** that more than 300,000 people are missing each year in the European Union (according to data for 2019), of which more than 100,000 are children and adolescents. According to the data, 18 countries still have a total of ca. 40,000 unresolved cases of missing persons in their records. As well, according to 15 countries, there are also at least 15,000 cases of unidentified bodies in the European Union.
17. SUPPORTING and ENCOURAGING discussions in the Police Expert Network on Missing Persons (PEN-MP) on the need to develop approaches that allow for faster and more effective action by competent authorities.
18. HIGHLIGHTING that some missing children are also victims of child sexual abuse although the vast majority of child sexual abuse and exploitation takes place within the child's circle of trust. This makes them increasingly vulnerable. Further effort is needed to better understand and take into consideration their specific needs when handling such cases.

THE COUNCIL:

19. UNDERLINES the importance of the successful implementation of the updated legal basis for the operation of the Schengen Information System (SIS Recast) in the field of missing persons and vulnerable persons at risk, and CALLS on the Member States, EU agencies and all other relevant stakeholders to implement it in accordance with the deadlines.

PERTAINING TO THE MEMBER STATES:

20. ADVISES Member States, which have not already done so, to consider setting-up at the national level, where appropriate and with due regard to national resources and organisational structures, a central operational missing persons unit, staffed by law enforcement officials and having access to a single national database of missing persons and unidentified human remains and body parts.
21. ADVISES Member States to provide support for the efficient functioning of SPOCs (emphasizing the role of SIRENE Bureaux) and/or PCCCs when fulfilling its tasks and duties including the missing persons cases.
22. CALLS on the EMPACT actors, notably in Trafficking of Human Beings and Child Sexual Exploitation, to associate PEN-MP where relevant in the drafting and the implementation of specific actions falling within its mandate.
23. ENCOURAGES Member States to use all available tools and services of INTERPOL, such as the global police alert for missing persons (Yellow Notice), in order to efficiently investigate cases of missing persons with a global dimension.

PERTAINING TO THE COMMISSION:

24. REQUESTS the Commission to further take into account the suggestions of PEN-MP when drafting new legislation in the field of missing persons. The preparation of new legislative acts is based on well-prepared impact assessments.
25. INVITES the Commission to reflect on the elaboration of a common European cooperation framework concerning the disappearance of persons (even voluntary) when such disappearances are of a worrying nature.
26. INVITES the Commission to consider examining the possibility of funding, from EU funds, projects intended to foster closer cooperation amongst law enforcement authorities investigating suspicious disappearances and/or cases of missing persons (including cold cases), and cooperation amongst authorities responsible for taking decisions intended to protect children or vulnerable persons at risk (e.g. of abductions, kidnappings, trafficking, etc.).

PERTAINING TO PEN-MP:

27. INVITES the PEN-MP to continue its efforts to improve the cooperation of the competent services of the Member States, Schengen Associated Countries and third countries (with a focus on the Western Balkans), the relevant services of the EU and global institutions. PEN-MP should also consider cooperating with other third countries (like North African countries).

28. TAKES NOTE of PEN-MP's plans to establish a statute, which will represent a clear and precise framework, in order to enable effective cooperation in compliance with the legal obligations (including data protection) between competent services and public entities that can help find missing persons quickly and efficiently. Law enforcement authorities should maintain the leading role and may request private stakeholders or NGOs to offer support.
29. INVITES PEN-MP to further discuss and elaborate the possibility of the creation of a European internet platform dedicated to the dissemination of missing persons reports fed by the police services. This kind of platform shall make sure not to duplicate existing channels of information exchange, such as the Schengen Information System, the Prüm framework and Interpol, shall not include operational data and shall ensure respect for data protection safeguards.
30. INVITES PEN-MP to discuss the creation of a European Guide of good practices, listing all relevant national initiatives in the area of missing persons.

PERTAINING TO EUROPOL:

31. CALLS ON Europol to continue its support in investigations regarding missing persons, who are missing as a consequence of a criminal act falling under its mandate, and INVITES Europol to continue its support for PEN-MP using the Europol Platform for Experts (EPE).

PERTAINING TO CEPOL:

32. INVITES CEPOL to consider including in their existing portfolio of activities, whenever possible and relevant, the topic of missing persons cases as a consequence of a criminal act. This task would have to be fulfilled within the EU contribution to CEPOL, and in close cooperation with PEN-MP and other relevant stakeholders in this particular field of crime.
